

DEPARTMENT OF HEALTH SERVICES

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CMSP Letter 97-1

Date Issued: January 10, 1997

TO: All County Medical Services Program (CMSP) County Welfare Directors**SUBJECT:** Temporary Absence from the County

The purpose of this letter is to advise you that CMSP staff have been informed of instances where CMSP eligibility workers (EWs) want to discontinue eligible CMSP recipients, who are convalescing with relatives/friends for a short period of time outside of their CMSP county of residency, and the recipients wish to continue their CMSP eligibility, as it is their intent to return. The discontinuance of a recipient, under these circumstances, is not always in the best interest of the recipient or the Program.

BACKGROUND

There are many sections in the CMSP Eligibility Manual (excerpts attached) which involve "residency", as follows:

Article 2., Section 0120. County of Responsibility

Article 5., Section 0320. Residence--General

Section 0321. Temporary Absence from the County

Section 0323. Absence from the County for More Than 60 Days

Section 0325. Death During Absence from the County

Article 7., Section 0425. Principal Residence

The county EWs should be trained to identify the various residential circumstances of a CMSP case and then choose the appropriate residency situation to fit the case.

PROBLEM

There have been occasions when the Medical Case Management (MCM) Case Managers have contacted the CMSP staff concerning an eligibility problem when a CMSP MCM patient is going to stay with a relative/friend to convalesce for a short period of time outside of the patient's county of residence. The CMSP county EW wants to discontinue the case because the recipient will be physically absent from the

CMSP county of residence, even though it is the recipient's intent to return to the CMSP county when physically able.


If a CMSP MCM patient's case is discontinued due to a temporary absence from the CMSP county, this is an incorrect action, as the case cannot be case managed until eligibility is re-established upon return to the CMSP county. During the period of time without case management, the patient's condition can deteriorate to the point that he/she has to be readmitted to the hospital and, if CMSP eligibility is reinstated, the expense to CMSP could be greater than the costs of keeping the recipient on the Program during the short absence. This may also be true for CMSP recipients who are not being case managed under MCM.

SOLUTION

The Eligibility Committee of the CMSP Governing Board has authorized the issuance of this letter to remind CMSP county EWs to consider all of the various circumstances of a case when determining the most appropriate definition of residency, and that a recipient's temporary absence from the county does not mean his/her case has to be discontinued. Also, as a reminder, the EW can continue to communicate with the CMSP recipient by using the "temporary" address and phone number of the relative/friend with whom the recipient is staying.

Thank you for giving immediate attention to the above information. **This is the only copy of this letter your county will receive.** Please copy and circulate to staff, as necessary. If you have any comments or questions concerning this letter, please contact Ms. Paulette Quam of my staff, at (916) 322-1613.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Martinez".

Jim Martinez, Chief
County Medical Services Program Unit

Attachment

cc: Paulette Quam
County Medical Services Program Unit
Department of Health Services
1800 3rd Street, Room 100
P.O. Box 942732
Sacramento, CA 94234-7320

EXCERPTS FROM CMSP ELIGIBILITY MANUAL PERTAINING TO "RESIDENCY"

ARTICLE 2. County of Responsibility

SECTION 0120. County of Responsibility (October 1993)

The county of responsibility shall be the county whose county department is responsible for determining the initial and continuing CMSP eligibility for a person or family. The appropriate county of responsibility shall be determined in accordance with this article.

ARTICLE 5. Alienage, Citizenship & Residence

SECTION 0320. Residence--General (October 1993)

County residence is a requirement for CMSP eligibility.

(a) County residence shall be established by either of the following:

(1) Physical presence, if there is no present intention of leaving the county unless the applicant maintains a home for him/herself outside the county.

(2) Living in the county at the time of application, not receiving medical assistance from another county and having entered the county with a job commitment or to seek employment, whether or not currently employed.

(b) Family members may establish separate residences without a break in marital or family ties. Only those family members who meet the requirements of this article shall be eligible for CMSP.

(c) Once county residence is established, it continues until residence is established in another county.

(d) A person's declaration on the Statement of Facts shall be accepted as proof of residence unless there is evidence to the contrary.

SECTION 0321. Temporary Absence from the County (October 1993)

Residence shall not be affected by temporary absence from the county for periods of 60 days or less. An absence of 60 days or less shall be presumed to be a temporary absence unless there is evidence to the contrary. An application or reapplication from an applicant or beneficiary who has been temporarily absent from the county for 60 days or less shall be accepted.

SECTION 0323. Absence from the County for More Than 60 Days (October 1993)

Absence from the county for more than 60 days shall be presumptive evidence of the applicant's or beneficiary's intent to change county residence to a place outside the county.

(a) The person may contest this presumption by declaring in writing:

(1) An intent to return to the county; and,

(2) The existence of one of the following circumstances:

(A) Illness or emergency circumstances which prohibit return to the county.

(B) Family members with whom the applicant or beneficiary lives are county resident and are physically present in the county.

(C) The applicant or beneficiary maintains county housing arrangements.

(b) Unless there is evidence to the contrary, county residence may be considered to be terminated when an applicant or beneficiary leaves the county and then takes any of the following actions in another county:

(1) Purchases, leases, or rents a residence.

- (2) Becomes employed.
- (3) Obtains a new address on his driver's license.
- (4) Applies for aid in another county.

SECTION 0325. Death During Absence from the County (October 1993)

A person who dies during an absence from the county shall be considered a resident if there is evidence that the requirements of Section 0321 or Section 0323 were met at the time of death.

ARTICLE 7. Property

SECTION 0425. Principal Residence (October 1993)

Principal residence means the property in which the applicant or beneficiary has an ownership interest and which the applicant or beneficiary uses as his/her home.

(a) The principal residence of the applicant or beneficiary is exempt from inclusion in the property reserve. The principal residence.....

(b) The property shall continue to be considered the applicant's or beneficiary's principal residence and shall be exempt during his/her absence under any of the following circumstances:

(1) During any absence of less than six months duration, other than admission to a skilled nursing facility or intermediate care facility if the applicant or beneficiary establishes an intent to return to the principal residence.....